IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.497 OF 2007

Kumari Devangi Vinod Bhate
and anr. ... Appellants

Versus

Mr.Purushottam G. Aadhi
and ors. ... Respondents

Mr. Abhaykumar Apte i/b. Sunil R. More for the Appellants
Ms.Chandana Salgaonkar for the Respondent No.1 and 2.
Mr.Umesh Mankapure for Respondent Nos.3 and 4

CORAM : S.R. SATHE,J.

DATED : 9th October, 2007

P.C.:-

. Heard learned Advocate for the Appellants.

. Perused the papers.

. This is a suit filed by the plaintiff for specific performance of oral agreement to sale. Admittedly the suit property was initially owned by the defendant nos.1 and 2 and the same is already sold by them to defendant nos.3 and 4.

. After hearing arguments of both the learned Advocates and considering the material on record the learned trial Judge has rightly observed that the plaintiff has failed to make out prima facie case. He has observed that the plaintiff has in fact failed to show even the prima facie that the defendant nos.1 and 2 had agreed to sale the property to plaintiff. Admittedly the defendant nos.3 and 4 have invested huge amount in development of the property. The trial Court has therefore observed that balance of convenience is not in favour of the plaintiff and defendant nos.3 and 4 would suffer irreparable loss if temporary injunction as prayed for his granted. He, therefore, rejected the application.

. The discretionary order passed by the learned trial Judge rejecting the plaintiff’s application for temporary injunction is legal and correct.

. I do not find it necessary to interfere with the same. Hence, the appeal is dismissed in limine.

. Parties to act on authenticated copy of this order.

(S.R.SATHE,J.)